

State of South Dakota

EIGHTY-EIGHTH SESSION LEGISLATIVE ASSEMBLY, 2013

941U0137

SENATE JUDICIARY ENGROSSED NO. **SB 218** 02/05/2013

Introduced by: Senators Vehle, Bradford, Brown, Frerichs, Kirkeby, Lucas, Maher, Monroe, Olson (Russell), Rampelberg, Rave, Rhoden, Sutton, Tieszen, Van Gerpen, and Welke and Representatives Lust, Cronin, Feickert, Gosch, Hoffman, Hunhoff (Bernie), Johns, Magstadt, Mickelson, Munsterman, Olson (Betty), Qualm, Ring, Rozum, Verchio, and Wink

1 FOR AN ACT ENTITLED, An Act to establish a program to assist rural counties to recruit
2 attorneys.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. The Unified Judicial System may establish a program to assist rural counties in
5 recruiting attorneys.

6 Section 2. A county eligible to participate in the recruitment assistance program is any
7 county in this state which:

8 (1) Has a population of twelve thousand persons or less;

9 (2) Agrees to provide its portion of the incentive payment pursuant to the provisions of
10 this Act; and

11 (3) Is determined to be eligible by the Unified Judicial System.

12 Each interested county shall apply to the Unified Judicial System. Before making a
13 determination of eligibility, the Unified Judicial System shall conduct a county assessment



1 designed to evaluate the county's need for an attorney and its ability to sustain and support an
2 attorney. The Unified Judicial System shall maintain a list of counties that have been assessed
3 and that are eligible for participation in the recruitment assistance program established by this
4 Act. The Unified Judicial System may revise any county assessment or conduct a new
5 assessment as necessary to reflect any change in conditions within a county.

6 Section 3. A law student is eligible to participate in the recruitment assistance program
7 established pursuant to this Act if the student is enrolled at the University of South Dakota
8 School of Law or has been a resident of the state for at least three years and is enrolled in a law
9 school accredited by the American Bar Association outside of the state. The student shall also
10 agree to practice in an eligible rural county for at least five years. Any attorney who agrees to
11 practice for at least five years in an eligible rural county is also eligible to participate in the
12 recruitment assistance program. However, no more than four persons may be added to the
13 program in any one year and no more than a total of sixteen persons may participate in the
14 program. No person may be added to the program after July 1, 2017.

15 Section 4. Any law student or attorney who fulfills the requirements of the recruitment
16 assistance program established pursuant to this Act, is entitled to receive an incentive payment
17 in an amount equal to one hundred fifty percent of the University of South Dakota School of
18 Law resident tuition.

19 Section 5. Any agreement for the payment of recruitment assistance pursuant to this Act
20 shall obligate the rural county to be served by the attorney to provide thirty-five percent of the
21 total amount of the incentive payment. When the rural county certifies to the Unified Judicial
22 System that it has paid the amount for which it is obligated, the Unified Judicial System shall
23 pay to the law student the remaining balance of the total incentive payment amount for that year.
24 The Unified Judicial System shall pay the required amount out of funds appropriated by the

1 Legislature for such purpose. For a law student the incentive payment shall be paid upon the
2 successful academic completion of each academic year. However, a county may prepay its
3 portion of the incentive payment at any time during the three-year period. For an attorney one-
4 third of the incentive payment shall be paid after each year of the attorney's first three years of
5 practice in an eligible rural county and the county has paid its one-third portion of the incentive
6 payment. However, a county may prepay its portion of the incentive payment any time during
7 the three-year period.

8 If the law student or attorney has received a payment pursuant to this Act and subsequently
9 breeches the agreement, the student or attorney shall repay all sums received pursuant to this Act
10 under the terms and conditions set by the Unified Judicial System. Failure to make repayment
11 is grounds for discipline by the State Bar of South Dakota and the Supreme Court.

12 Section 6. Any rural county may appropriate funds for the purpose of carrying out the
13 provisions of this Act. A rural county may enter an agreement with any county, municipality,
14 school district, or nonprofit entity to assist the county in carrying out the provisions of this Act.

15 Section 7. No recruitment assistance agreement entered into pursuant to the provisions of
16 this Act is effective until it is filed with and approved by the Unified Judicial System. The
17 agreement shall provide that the attorney practice law full-time in the eligible county for at least
18 five years. The Supreme Court may promulgate rules necessary to implement the provisions of
19 this Act.

20 Section 8. No person may participate in the program established pursuant to the provisions
21 of this Act if the person has previously participated in the program, or any other state or federal
22 scholarship, loan repayment, or tuition reimbursement program that obligates the person to
23 provide attorney services within an underserved area.